

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**CALIFORNIANS FOR ALTERNATIVES TO  
TOXICS,**

Plaintiff,

v.

**KERNEN CONSTRUCTION CO., ET AL.,**

Defendants.

Case No. 16-cv-04007-YGR

**ORDER SETTING COMPLIANCE HEARING  
AND SUMMARY JUDGMENT BRIEFING  
SCHEDULE**

On January 31, 2017, the parties filed a joint discovery letter brief asking the Court to resolve certain discovery disputes. The Court held a conference call with the parties on February 2, 2017.<sup>1</sup> In light of such conference call, the Court **SETS** a compliance hearing for **Friday, February 17, 2017 at 9:01 a.m.**, in the Federal Building, 1301 Clay Street, Oakland, California Courtroom 1. No later than **February 10, 2017**, the parties shall provide the Court with a joint statement updating the Court on the status of the following:

1) The parties' discussions relative to filing of the motions for summary judgment, specifically, whether (i) they will be able to stipulate to certain facts and (ii) formal discovery will be necessary; and

2) The parties' discussions on a plan for site inspections.

If compliance is complete, the Court may vacate the compliance hearing and the parties need not appear.

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<sup>1</sup> The parties are advised that the Court is concerned with their level of professional cooperation. The Court understands that there were some issues relating to the basic task of providing the court room deputy with one email listing all available times for both parties for the conference call. Should this lack of cooperation persist, sanctions may be appropriate.

1 The Court further **SETS** the following briefing schedule for cross-motions for summary  
2 judgment with regards to plaintiffs' claims under Proposition 65: Defendants must file their  
3 motion for summary judgment by **March 28, 2017**. Plaintiff's cross-motion for summary  
4 judgment and opposition to defendants' motion must be filed by **April 11, 2017**. Defendants'  
5 opposition to plaintiff's motion and reply in support of its own motion are due on **April 25, 2017**,  
6 and plaintiff's reply in support of its own motion is due on **May 2, 2017**. The hearing on such  
7 cross-motions for summary judgment shall be held on **May 16, 2017** at **2:00 p.m.** The parties  
8 need not file pre-summary judgment letters as would normally be required under the Court's  
9 Standing Order in Civil Cases.

10 This Order terminates Docket Number 50.

11 **IT IS SO ORDERED.**

12 Dated: February 3, 2017

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14 YVONNE GONZALEZ ROGERS  
15 UNITED STATES DISTRICT COURT JUDGE  
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